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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

REARDEN LLC, a California limited liability
 company; REARDEN PRODUCTIONS, LLC, a
 California limited liability company; REARDEN
 STUDIOS, LLC, a California limited liability
 company; REARDEN, INC., a California
 corporation; and REARDEN PROPERTIES,
 LLC, a California limited liability company,

Plaintiffs,

v.

REARDEN COMMERCE, INC., a California
 corporation; and DOES 1 through 150, inclusive,

Defendant.

No. 06-7367 MJJ

**JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER TO AMEND
 THE CASE SCHEDULE**

Judge: Martin J. Jenkins
 Date:
 Time: 9:30 a.m.
 Courtroom: 11

1 Plaintiffs Rearden LLC, Rearden Productions, LLC, Rearden Studios, LLC, Rearden,
2 Inc., and Rearden Properties, LLC (collectively, "Plaintiffs") and Defendant Rearden Commerce,
3 Inc. ("Defendant") jointly request the Court to amend the case schedule to provide additional
4 time to complete fact and expert discovery, while maintaining the previously set trial date. In
5 support of this Stipulation, Plaintiffs and Defendant state as follows:

6 1. The Court entered on May 11, 2007, the Pretrial Order setting forth a schedule
7 pursuant to which the trial date is set for June 16, 2008 and the pretrial conference date is set for
8 June 10, 2008. (Docket No. 38.) Pursuant to the Pretrial Order, the fact discovery cutoff is
9 November 30, 2007, and the expert discovery cutoff is January 25, 2008. (*Id.*)

10 2. The parties conducted a single day mediation session on June 6, 2007. (Docket
11 No. 41.)

12 3. The Court entered on August 24, 2007, a Protective Order for confidential
13 information. (Docket No. 70.)

14 4. The parties have been engaged in discovery, including producing non-confidential
15 and confidential documents, propounding and responding to written discovery (including
16 subpoenas for documents and depositions to third parties), and noticing depositions.

17 5. The parties are now in the initial stages of scheduling fact depositions, including
18 third party fact depositions. Based on the number of depositions and the schedules of everyone
19 involved, most importantly the witnesses, as well as the parties' need to supplement their
20 discovery responses, including production of additional documents and supplemental written
21 discovery responses, the parties respectfully request that the Pretrial Order be amended to allow
22 for additional time to complete fact and expert discovery. Attached to this Stipulation as Exhibit
23 A is a chart setting forth the existing dates from the Pretrial Order and the parties' proposed
24 amended dates. As this chart shows, the parties are not requesting any change to the trial date
25 and the pretrial conference date, or any of the dates that are related to those dates.

26 6. In addition to the dates set forth in Exhibit A, the parties have agreed to not serve
27 any additional written discovery or third-party discovery after November 14, 2007, so that such
28 discovery can be responded to without the need to further amend the case schedule. The parties

1 are not requesting any amendment to the discovery limits set forth in the original Pretrial Order.

2 7. The parties have also agreed that the mere fact of Plaintiffs' entering into this
3 Stipulation and approaching the Court for this extension shall not be used as an admission
4 against Plaintiffs' request for injunctive relief. The parties' agreement does not however prevent
5 Defendant from raising Plaintiffs' other actions or inactions related to the case.

6 WHEREFORE, Plaintiffs and Defendant jointly request the Court to enter an Amended
7 Pretrial Order adopting the following schedule:

- 8 a. Trial Date: **June 16, 2008;**
- 9 b. Trial Length is estimated to be **4-5 days** and a jury has been requested by
10 the parties;
- 11 c. Pretrial Conference Date: **June 10, 2008;**
- 12 d. Non-Expert Discovery Cutoff: **January 11, 2008;**
- 13 e. Designation of Experts: **January 11, 2008;**
- 14 f. Opening Expert Reports: **January 25, 2007;**
- 15 g. Designation of Rebuttal Experts: **February 18, 2008;**
- 16 h. Supplemental/Rebuttal Expert Reports: **February 18, 2008;**
- 17 i. Expert Discovery Cutoff: **March 7, 2008;**
- 18 j. Dispositive Motions Heard By: **Tuesday, April 15, 2008;** and
- 19 k. Settlement Conference shall be held before **Magistrate Edward M. Chen**
20 and scheduled to take place **May, 2008.**

1 DATED: November 6, 2007

3 BINGHAM McCUTCHEN LLP

4 By: /s/ Trenton H. Norris
Trenton H. Norris

7 PERKINS COIE LLP

8 By: /s/ Jason A. Yurasek
Jason A. Yurasek

10 Attorneys for *Plaintiffs Rearden*
11 *LLC; Rearden Productions,*
12 *LLC; Rearden Studios, LLC;*
Rearden, Inc.; and Rearden
Properties, LLC

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By: /s/ Richard D. Harris
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REARDEN COMMERCE, INC.

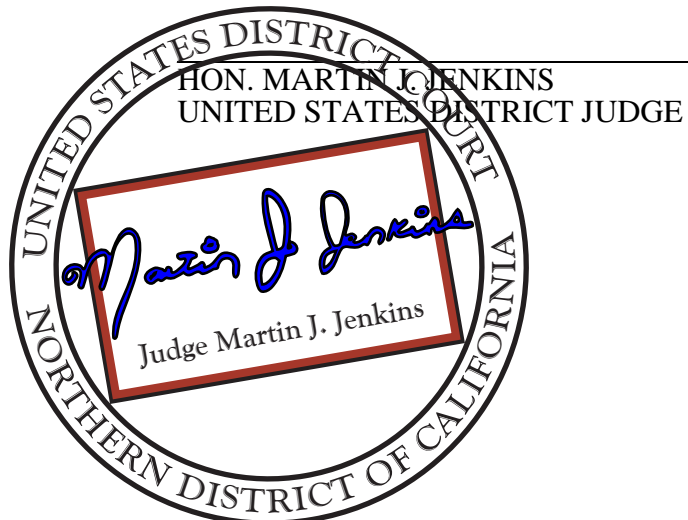
13 I hereby attest that I have been authorized by counsel to execute on their behalf this
14 Stipulation And [Proposed] Order to Amend the Case Schedule.

15 Executed on this 6th day of November, 2007 at East Palo Alto, California.

16 /s/ Daniel T. McCloskey
17 Daniel T. McCloskey

18 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

20 Dated: 11/06/07



**EXHIBIT A TO PARTIES' JOINT MOTION
TO AMEND THE CASE SCHEDULE**

Event	Existing Date	Proposed Amended Dates
Fact Discovery Cut-off	November 30, 2007	January 18, 2008
Designation of Experts	December 7, 2007	January 11, 2007
Opening Expert Reports	December 21, 2007	January 25, 2007
Designation of Supplemental/Rebuttal Experts and Service of Reports	January 11, 2008	February 18, 2008
Expert Discovery Cut-off	January 25, 2008	March 7, 2008
Dispositive Motions Filed	February 10, 2008	March 11, 2008
Dispositive Motions Heard	March 18, 2008	April 15, 2008
Settlement Conference	May, 2008	May, 2008
Pretrial Statement (20 calendar days before Pretrial Conf.)	May 21, 2008	May 21, 2008
Jury Instructions (20 calendar days before Pretrial Conf.)	May 21, 2008	May 21, 2008
Motions in Limine (10 court days before Pretrial Conf.)	May 27, 2008	May 27, 2008
List of Exhibits With Stips and Objections (10 court days before Pretrial Conf.)	May 27, 2008	May 27, 2008

Event	Existing Date	Proposed Amended Dates
Objections to Other Evidence (10 court days before Pretrial Conf.)	May 27, 2008	May 27, 2008
Proposed Voir Dire and Verdict Forms (10 court days before Pretrial Conf.)	May 27, 2008	May 27, 2008
Objections to Jury Instructions (10 calendar days before Pretrial Conf.)	May 30, 2008	May 30, 2008
Pretrial Conference	June 10, 2008	June 10, 2008
Preliminary Instructions/Statement to be Read to the Jury (one week before trial)	June 9, 2008	June 9, 2008
One Set of Exhibits Submitted to the Court (one week before trial)	June 9, 2008	June 9, 2008
Trial	June 16, 2008	June 16, 2008